

Community resources

[Follow us on Twitter](#) [Check our Reddit](#) [Twitter this](#) [Digg this page](#) [Contact us on IRC](#)

courage is contagious

Viewing cable 10BOGOTA115, DRUMMOND FIRES WORKERS FOR ILLEGAL STRIKE

If you are new to these pages, please read an introduction on the [structure of a cable](#) as well as how to [discuss them](#) with others. See also the [FAQs](#)

Understanding cables

Every cable message consists of three parts:

- The top box shows each cables unique reference number, when and by whom it originally was sent, and what its initial classification was.
- The middle box contains the header information that is associated with the cable. It includes information about the receiver(s) as well as a general subject.
- The bottom box presents the body of the cable. The opening can contain a more specific subject, references to other cables ([browse by origin](#) to find them) or additional comment. This is followed by the main contents of the cable: a summary, a collection of specific topics and a comment section.

To understand the justification used for the classification of each cable, please use this [WikiSource](#) article as reference.

Discussing cables

If you find meaningful or important information in a cable, please link directly to its unique reference number. Linking to a specific paragraph in the body of a cable is also possible by copying the appropriate link (to be found at the paragraph symbol). Please mark messages for social networking services like Twitter with the hash tags **#cablegate** and a hash containing the reference ID e.g. **#10BOGOTA115**.

Reference ID	Created	Released	Classification	Origin
10BOGOTA115	2010-02-01 14:41	2011-08-30 01:44	CONFIDENTIAL	Embassy Bogota

Appears in these articles:

<http://www.elespectador.com/wikileaks>

VZCZCXYZ0001
RR RUEHWEB

DE RUEHBO #0115/01 0321441
ZNY CCCCC ZZH
R 011441Z FEB 10
FM AMEMBASSY BOGOTA
TO RUEHC/SECSTATE WASHDC 2419
INFO RHEHAAA/NATIONAL SECURITY COUNCIL WASHINGTON DC
RHMFISS/CDR USSOUTHCOM MIAMI FL
RHMFISS/DEPT OF JUSTICE WASHINGTON DC
RUCNFB/FBI WASHINGTON DC
RUCPDO/DEPT OF COMMERCE WASHINGTON DC
RUEAIIA/CIA WASHINGTON DC
RUEHBO/AMEMBASSY BOGOTA
RUEHBR/AMEMBASSY BRASILIA
RUEHBU/AMEMBASSY BUENOS AIRES
RUEHC/DEPT OF LABOR WASHINGTON DC
RUEHCV/AMEMBASSY CARACAS
RUEHGL/AMCONSUL GUAYAQUIL
RUEHPE/AMEMBASSY LIMA
RUEHQT/AMEMBASSY QUITO
RUEHZP/AMEMBASSY PANAMA
RUEKJCS/SECDEF WASHINGTON DC

C O N F I D E N T I A L BOGOTA 000115

SENSITIVE
SIPDIS
USTR FOR EISSENSTAT AND HARMAN
DOL FOR ZOLLNER AND QUINTANA

E.O. 12958: DECL: 2020/02/01
TAGS: [ELAB](#) [EAID](#) [ETRD](#) [PGOV](#) [PHUM](#) [PREL](#) [USTR](#) [LAB](#) [CO](#)
SUBJECT: DRUMMOND FIRES WORKERS FOR ILLEGAL STRIKE

REF: 09 BOGOTA 3127; 09 BOGOTA 3302

CLASSIFIED BY: Mark A. Wells, Political Counselor;
REASON: 1.4(B),(D)

SUMMARY

¶1. (SBU) U.S. mining company Drummond has begun the process of firing the majority of the National Mining and Energy Industry Workers' Union's (SINTRAMIENERGETICA) 35-member board of directors due to the union's illegal strike in March 2009. SINTRAMIENERGETICA leaders have urged a negotiated solution mediated by the Ministry of Social Protection (MPS) and the International Labor Organization (ILO) as an alternative to dismissals, while criticizing Drummond's occupational safety record and practices. Drummond executives defended the company's safety record, and refused to entertain further negotiations with the union's current leadership, citing its role in organizing the illegal strike, and its efforts to hijack the company's Corporate Social Responsibility (CSR) program for political ends. End Summary.

DRUMMOND EXPECTS TO ONLY FIRE 35

¶2. (SBU) Colombia's Supreme Court upheld on September 29 a lower court ruling (not published until December 16) that declared illegal a strike organized by SINTRAMIENERGETICA at Drummond's La Loma mine and Santa Marta port operations in March 2009 (reftel a). Colombian labor law (Labor Code Article 450) allows companies to dismiss workers who have actively promoted and participated in an illegal strike. Accordingly, Drummond has commenced internal disciplinary proceedings to fire the most active organizers, including most of the 35-member union board and several rank and file union members.

¶3. (SBU) Colombia Drummond President Augusto Jimenez told us that the company had already dismissed 14 union leaders and suspended one in relation to the court verdict; 20 proceedings were ongoing. Drummond also issued a statement to 2,200 SINTRAMIENERGETICA members on December 21 advising them of the disciplinary proceedings against the union's leaders; ensuring them that the union itself and its collective bargaining agreement would remain viable; and urging them to reorganize and elect a new board of directors. While Drummond has ceased talks with SINTRAMIENERGETICA leaders, Jimenez reported that he was in a dialogue with Unified Workers Central (CUT) President Tarsicio Mora Godoy and President Uribe to work out a solution to the company's labor relations problems.

UNION LEADERS WANT A NEGOTIATED SOLUTION

¶4. (SBU) SINTRAMIENERGETICA leaders criticized the Supreme Court's decision, but acknowledged its final authority on the matter and the culmination of the legal process. Sectional (El Paso) XXXXXXXXXXXXX said that the dismissals were forgone conclusions, evidenced by Drummond's statement advising workers to elect a new union board before most of the disciplinary

proceedings had even begun. Moreover, Avila warned that the dismissals would hurt the industry by signaling that mining companies could flaunt safety laws with impunity. (Note: the March

2009 strike was precipitated by a fatal driving accident in Drummond's La Loma mine on March 22. End Note.) As an alternative, union leaders urged a negotiated solution between the company and the union mediated by the MPS and an ILO representative. They said that Vice Minister of Labor Ricardo Andres Echeverri had agreed to participate, and asked us to pressure Drummond into accepting mediation.

15. (SBU) SINTAMIENERGETICA leaders said their primary concern remained the safety of Drummond mine and port workers. They told us that Drummond ignored its occupational safety obligations as a cost-saving measure. Consequently, 16 Drummond workers had been killed and 275 injured in industrial accidents since 1996. Avila claimed that Drummond regularly fired sick and injured workers, or placed them in a "transitional employment" program (instead of classifying them as "sick" or "injured") to massage its safety record. Avila said Drummond management had also repeatedly refused the union's requests for a dialogue on occupational safety issues, and noted that two recent safety-related sanctions levied on the company by the MPS, totaling about USD \$10,000, would do little to enforce compliance.

DRUMMOND DEFENDS ITS SAFETY RECORD

16. (C) Jimenez said that the company's safety incidence rate, an index measuring time lost due to safety incidents per 100 employees per year, had been consistently lower than the U.S. average for surface mining activity (.35 compared to 1.49 in the United States). He provided company documentation of 13 work-related deaths, including ten in its mines and three in its port facilities. (Note: SINTAMIENERGETICA's higher count of 16 deaths includes two union leaders assassinated in 2001 (reftel b) and a port worker who died at a private medical facility of other health complications, which by company criteria were not work-related fatalities. End Note.) According to Jimenez, Drummond was found partially negligent and sanctioned in relation to only three of the 13 fatal accidents.

17. (C) Jimenez said Drummond did not fire workers due to job-related injuries and illnesses, nor did it classify them as transitionally employed to massage safety statistics. Jimenez noted, however, that workers frequently tried to pass off common illnesses as work-related and regularly bribed health and insurance authorities to improve benefits levels. As such, Drummond meticulously documented and investigated each work-related accident or illness.

18. (C) The transitional employment program provides incapacitated workers with regular medical examinations, rehabilitation, and medically-approved tasks and work schedules. Out of approximately 4,500 direct-hire employees (there are 18 thousand total including indirect-hires), Jimenez said 239 workers are currently classified as injured: 44 due to work accidents; 55 from work-related illnesses; 47 due to common illnesses unrelated to work; and 93 are still under evaluation. Additionally, 23 are completely incapacitated and 216 are working in the transitional employment program.

DRUMMOND SAYS UNION "PLAYING POLITICS"

19. (C) Jimenez told us that politics, not safety, was the union leadership's primary concern, and the root of Drummond's problems

with SINTRAMIENERGETICA. Avila and others who were running for local public office had aligned themselves with the governor of Cesar Department in an attempt to gain control of Drummond's substantial Corporate Social Responsibility (CSR) program and associated budget and use it to curry votes among the population. Drummond's refusal to relinquish control of its CSR program to the union was a source of tension between the company, the union, and the governor. Jimenez asserted that Avila and other union leaders had rallied workers around occupational safety issues as a smokescreen for their own political ambitions.

BROWNFIELD

=====CABLE ENDS=====